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OFFICE OF PETITIONS

In re Patent of Brunner	:	
Patent No. 7,017,820	:	
Issue Date: March 28, 2006	:	
Application No. 09/779,903	:	Letter Regarding PTA
Filing Date: February 8, 2001	:	
Attorney Docket No. 10711/4	:	

This is a decision in response to the "Request for Review of Patent Term Adjustment" filed May 15, 2006, requesting confirmation of the issuance of a patent term adjustment of 678 days.

The request is **GRANTED**.

The patent term adjustment indicated on the patent will be corrected to 643 days by way of issuance of a Certificate of Correction pursuant to 35 U.S.C. 254 and 37 CFR 1.322.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed with the Notice of Allowance stated the patent term adjustment to date was 13 days. The patent issued on March 28, 2006. The printed patent shows a patent term adjustment of 678 days.

Applicant asserts the patent term adjustment should be lowered by 35 days from 678 days to 643 days.

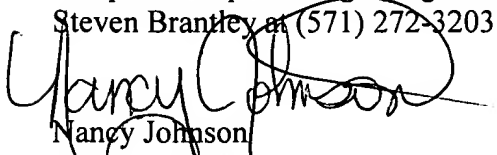
37 CFR 1.704(b) provides for a reduction when a petitioner takes more than 3 months to respond to any notice or action by the Office making any rejection, objection, argument or other request. A Notice to File Missing Parts was mailed March 19, 2001. A reply to the Notice of Missing Parts was not filed within 3 months. The reply was not filed until July 24, 2001. Therefore, Applicant should have been assessed delay for the period from June 20, 2001 (the date after the last day of the three month time period) to July 24, 2001 (the date the reply was filed). In other words, applicant should have been assessed a delay of 35 days.

In view of the facts above, the correct determination of PTA at the time the patent issued was 643 days. The patent should have issued with a revised Patent Term Adjustment of 643 days.

No fee is due and none has been charged. The Office thanks applicant for their good faith and candor in bringing the matter to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction pursuant to 35 U.S.C. 254 and 37 CFR 1.322 in order to rectify the error regarding the patent term information. The certificate of correction will indicate that the term of the above-identified patent is to be adjusted by 643 days subject to any disclaimers.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,017,820 B1
DATED : March 28, 2006
INVENTOR(S) : James Brunner

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (678) days

Delete the phrase "by 678 days" and insert – by 643 days--